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1143. Acts of the Leeward Islands, 1701. *Printed.* [*America and West Indies.* Leeward Islands, 553 *passim.*]

1144. Acts of Maryland, 1701. [*C.O.* 5, 731. *pp.* 755 *ff.*]

1145. Acts of Maryland, 1701. *Printed.* [*C.O.* 5, 729. *pp.* 13–21; *and* 5, 730. *pp.* 16 *ff.*]

1146. Acts of the Massachusetts Bay, 1701. *Printed.* [*C.O.* 5, 773. *pp.* 127 *ff*; *and* 5, 771. *pp.* 32, 33, 193–223.]

1147. Acts of Nevis, 1701. [*C.O.* 154, 5. *pp.* 42 *ff.*]

1148. Acts of Nevis, 1701. [*C.O.* 185, 3. *pp.* 28 *ff.*]

1149. Acts of New Hampshire, 1701. *Printed.* [*Board of Trade.* New Hampshire, 21, *pp.* 7–15.]

1150. Acts of Assembly of New York, 1701. *Printed.* [*C.O.* 5, 1143. *pp.* 40–47; *and* 5, 1146. *pp.* 40 *ff*; *and* 5, 1144. *pp.* 45–52.]

1151. Act of St. Christophers, 1701. [*C.O.* 240, 1. *pp.* 1 *ff.*]

1152. List of Acts of Virginia, 1701. *Printed.* [*C.O.* 5, 1382. *pp.* 115, 116.]

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May 6. **1153.** Minutes of Council in Assembly of Barbados. Samuel Cox was sworn a Member of Council. The Members of the Assembly were sworn and chose Lieut.-Col. Richd. Downes for their Speaker. H.E. addressing them, took notice of the uncertainties of their meeting, and the little despatch they had gone through in publick matters the last year, and zealously recommended to them to be more constant in their meetings, and to avoid all animosities. [*C.O.* 31, 6. *pp.* 1, 2.]

May 13. **1154.** Minutes of Council in Assembly of Barbados. Petition of Benjamin Hawkins praying a further hearing upon a writ of

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error brought by James Cecill against him rejected, but as some of the Council desire to be better appraised of the cause before they give their judgment, ordered that Counsel argue the case next Council Day.

Error brought by Capt. Peter Colleton and Mr. Nicholas Rice, to reverse a judgment given against the former, was dismissed.

Petition of pirates, that surrendered themselves upon H.M. Proclamation to Capt. Warren of the Vine pinck, praying the benefit thereof, referred to H.M. Attorney and Solicitor General for his report.

The Hon. Thomas Sadleir appointed Chief Judge of the next Court of Oyer and Terminer, and, in case of sickness, James Colleton.

300*l.* paid to Mr. Guy Ball towards the building the house in the Fort. [*C.O.* 31, 6. *pp.* 2, 3.]

May 15. **1155**. Minutes of Council in Assembly of Barbados. Supplemental Act to continue an Act to secure peaceable possession of negroes to the inhabitants, and to prevent and punish the clandestine and illegal detinue of them, was read three times, passed, and received H.E.'s consent.

Joint Committee of the two Houses appointed to treat with Magnus Poppell about the making a mold and harbour, and to prepare a Bill accordingly.

Salary of Wm. Rawlin, Clerk of the Assembly, paid. [*C.O.* 31, 6. *pp.* 3, 4.]

May 27. **1156**. Minutes of Council in Assembly of Barbados. An Act for repealing an Act herein mentioned etc. was read and ordered to lie upon the table, the Hon. Tobias Frere, the party concerned, having some objections to offer.

Letter from Mr. Secretary Vernon, March 4, 170$\frac{9}{1}$, read, importing that the French had fitted out a squadron to be sent to the Spanish West Indies and that they were ready to sail under the command of M. de Coetlogon, and directing H.E. to take care for the security of the Island. Ordered, that on June 13 all the Windward Regiments be reviewed, and on June 17 the Leeward Regiments.

Letter from Governor Codrington, St. Kitts, May 3, desiring a supply of men and H.M. frigate, communicated to the Council.

Ordered, that the Assembly be called June 3.

Letter from the Council of Trade, March 7, 170$\frac{9}{1}$, read. [*C.O.* 31, 6. *pp.* 4-7.]

June 3. **1157**. Minutes of Council in Assembly of Barbados. Petitions of Mrs. Sarah Codrington, Mrs. Hester Haggard, John Chace, junr., Wm. Lyte and John Chase senr., relating to the placing out the country's servants, were recommended to the Assembly for their consideration.

Capt. John Tucky paid 40*l.* 13*s.* 9*d.* for 186 foot of cedar timber delivered for the use of the Leeward fortifications.

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Petition of Edward Arnell, Vintner, for 223*l.* 13*s.* 9*d.* for the charge of the late Court of Grand Sessions, recommended to the Assembly.

The Assembly attending, H.E. delivered to them the letters of Mr. Vernon and Governor Codrington referred to May 27.

June 4. H.M. Commission and Instructions to Capt. Warren read. Ordered that the Attorney and Solicitor General report whether H.E. ought to give an order for the pirates to be delivered up to Commodore Littleton by virtue thereof, and having regard to H.M. Commission sent hither for trying of pirates.

The Assembly, by an Address to H.E., resolved that it was not reasonable, upon the letters of Mr. Vernon and Governor Codrington, to part with the man-of-war attending this Island, nor any of our men. The Council was unanimously of the same opinion. [*C.O.* 31, 6. *pp.* 7-9.]

June 24. **1158**. Minutes of Council in Assembly of Barbados. The Board desired H.E. to recommend to the Assembly the presentments of the Grand Inquest, to prepare Laws accordingly, and that he forward them home by the first opportunity. Addresses of the Grand Inquest of Barbados to the King and H.E., in praise of the latter. [*See Nos.* 786, 789.]

Opinion of the Attorney and Solicitor General was read that Capt. Warren's Commission was superceded by the General Commission for the trial of Pirates here, which bears date almost two years later. *Signed*, E. Chilton, Richd. Turner. [*C.O.* 31, 6. *pp.* 9-12.]

July 8. **1159**. Minutes of Council in Assembly of Barbados. Upon the petition of the Judges of the late Court of Grand Sessions and of the Hon. Benja. Cryer and the rest of the clergy, to pardon Charles Edmund Nealer, lately sentenced to die for felony in stealing divers goods from Mary Coates, widow, H.E. was pleased to grant a pardon to Nealer, provided he goes off the Island in 30 days and never returns again.

Petition of the pirates, that came hither in the *Vine* pinck, referred to the Attorney and Solicitor General for their opinion what is fit to be done by virtue of H.M. proclamation.

6*l.* paid to Col. Tobias Frere for the loss of his servant murdered by a negro, since executed; 14*l.* to Ann Stoker and Daniel Parkinson, in whom the reversion of the negro was vested, and 5*l.* to Ann Cooper, she having a present estate in him.

Upon the petition of Edward Lascelles, merchant, praying liberty to run out a wharf at the Post Office further into the sea, that it may be made even with the adjoining wharf, referred to the Surveyor General, Mr. Poppell to be present.

Petition of Alexander Davies and Mary his wife, praying that John Heywood, marshall, may be summoned to appear next Council Day to answer a complaint therein laid to his charge, granted.

July 9. Writ issued for a Member to serve in the Assembly for the Parish of St. Peter's, All Saints, in the room of Saml. Maynard, gone off the Island.

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Recommended that Magnus Poppell go about his mold speedily, to avoid the hurricane destroying what he has already done, and that no ship careen without his leave, unless it be done by the mold, and that no one ship shall pay for careening more than twice in one year, though they have occasion to careen oftener. [*C.O.* 31, 6. *pp.* 12-14.]

Aug. 5. **1160**. Minutes of Council in Assembly of Barbados. Error brought by Thomas Walker, to reverse a judgment given against him on an action of detinue brought by Charles Wilson, senior, in H.M. Court of Common Pleas held for the precincts of Christ Church before Richard Elliot, for a negro woman and her three female children. Judgment reversed.

Major Thomas Alleyne was sworn a Member of Assembly for St. Peters All Saints.

Writ issued for a new Member of Assembly for St. Andrews parish, in the room of the Hon. John Holder, decd.

Ordered that the gunners of the forts render an account of all the powder that has been delivered to them since H.E.'s arrival, and what quantity they have in their custody, and continue so to do every six months. The Committee of Accounts to give them a method for keeping their accounts for the future.

Order of King in Council, April 10, 1701, read (*q.v.*). H.E. in Council, Dec. 3 last, could not grant the petition of James Cowse for an Appeal, there not being Members of Council sufficient, by removing some of the Council therein concerned, but next Council Day, Jan. 21, H.E. signed the order on the petition for appeal pursuant to the prayer thereof. Ordered that authentic copies of all the proceedings be transmitted home under the Seal of the Island, as directed.

120*l.* sterl. paid to John Adams for his salary and the six Matrosses at Oistin's Fort, due Sept. 1, 1700. [*C.O.* 31, 6. *pp.* 14-16.]

Aug. 21. **1161**. Minutes of Council in Assembly of Barbados. H.E. acquainted this Board that he had chosen the Hon. Jonathan Downes to supply the place of the Hon. John Holder, late Judge of Scotland Court. The Board approved.

A Supplementary Act to the Act to raise and provide a strength of Labourers to clear the trenches and repair the breastworks and fortifications, was read three times, passed and consented to by H.E.

250*l.* paid to H.E. for 6 months' rent of his house.

Michael Terrill, Wm. Forster, Ricd. Griffin and Ann Holloway paid the remainder of the sum due to them for the hire of the *Soldadoe* for the late expedition to Martinique.

36*l.* 3*s.* 9*d.* paid to Edward Arnell for entertaining the Committee of Public Accounts, and 461*l.* 8*s.* 11*d.* for entertaining the late Court of Grand Sessions and the Jurys.

Petition of Sarah Dwight, for payment for entertaining H.E. and Council upon H.E.'s arrival, referred to a Committee. [*C.O.* 31, 6. *pp.* 16-17.]

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Aug. 26. **1162**. *To p.* 477, line 25, *add*,

791. ii. William Penn to the Lords of the Admiralty. Philadelphia, 10th of the 10th, 1700. Honourable Friends, If I have not hitherto wrote, 'tis not of disrespect but caution, being rather willing the account of my conduct should come from those that have reproached that of my Lieut., because I depend upon their honour in doing me justice, and forbear being particular in my own favour, that I may not be thought vain, where I so much value the better opinion. That which quickens this from me is the business of the *Providence*, John Lumbly, Commander, and to request some plain rules for our future conduct. I well remember that this Government's uneasiness at the condemnation of Lumbly was made an article against it to me at home, upon which after my arrival I made it my business thoroughly to inquire into the steps of that affair, and find our fault was chiefly this, that endeavours were made to persuade your Officers here to accept of security for the vessel, which two the most eminent merchants of the place offered to the Admiralty of England if she might proceed in her voyage, it evidently appearing to them that she was English-built, registered and duly navigated, only the certificate of her Registry, through the Master's carelessness was wanting, but shall forbear alledging particulars in defence of the people's uneasiness at that piece of rigour, seeing the whole now appears to your Court to merit your further enquiry. I shall only request that, (more than complying with the inhibition and orders already sent, which I have already done) I may have no greater share of the trouble or charge, if any follow, than I intended to have of the gain, for the Master and all others concerned here know I was resolved never to touch of any part of ship or cargo more than to give storage to and take care of the third allotted me on division of the latter, that it might be the safelyer preserved for the merchants, tho' the inhibition had never come.

What other slips this Government, especially Col. Markham was accused of, as I will not make it my business to vindicate him, so I hope they will not be laid to my charge, being obliged by the Queen not to put him out because he was Col. Fletcher's Deputy before without the Royal orders or consent, as by the Minutes of Council at Whitehall may appear, and I suppose he has himself sent home his vindication to the Lords of Trade and Plantations.

I cannot, my honble. Friends, but lament that occasions should be taken where (for my own part I can boldly say it) not the least is designed, and where I dare affirm the Admiralty meets with as much deference and compliance from the Government in general as anywhere

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in the King's Dominions, and ever shall (while I am concerned) in all its just powers and commands, an infelicity I am apt to believe very much owing to the small opportunities of acquaintance the Gentlemen concerned with it here have had with the Civil Law, and the proceedings of Doctors' Commons, as some of themselves do acknowledge, and which I conceive some experienced Attorney in the practice and customs of that great and honourable Court might in a great measure prevent by distinguishing the just boundaries of the Civil and Maritime powers, where they border one upon another, wch. is submitted to the Lords' consideration of the King's service. To this unacquaintance doubtless is to be imputed their opinion that they are in all cases to act to the literal extent of their Commission, which sometimes breaks in upon our Civil Courts of Record to a degree that cannot but extremely confuse us, a practice unknown in our neighbouring Governments, where all things done *infra corpus commitatus* are without dispute tried by the Civil Courts only, of which N. York now the most celebrated in these Colonies and for regularity in such cases is a convincing instance. And indeed it cannot be conceived that the Courts of Admiralty, erected in these Plantations chiefly for trial of offences against the Acts of Trade and Piracy, were ever designed to extend so far as that nothing should be done afoot of the shore in any creek or river but by its powers, and that all actions of Bakers, Butchers, and Victuallers, Smiths, Cordwainers etc. suing for provisions furnished to or work done for vessels, and such like private and civil cases should be tried in the Admiralty only and without a Jury, a thing extremely dissatisfactory to the King's subjects here in general; but what I have never yet offered to prohibit, rather desiring they should be diverted from it by directions of our Superiors at home, tho' I must confess 'tis troublesome. Another thing that appears no less unreasonable I must beg leave to mention, which is that Col. Quarry being out of the Province the greatest part of last summer, about 5 months at one time, being forced to it by his trading affairs and a fit of sickness, there was a great ball fired from on board of a vessel before the town through a house on the middle of our key to the great terrour of the inhabitants, upon which among others John Moore, Advocate of the Admiralty, applied himself to me to take notice of the matter, which I did, but found it only an accident, but for coertion of such actions for the future, and for maintaining the peace as well on the water as land, I gave the Sheriff a Commission to be Water-Bailiff for the Port, and for our better guidance had it drawn by the Naval Officer of New York, then in this

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Town, he being also a Lawyer of considerable practice under the Lord Bellomont and judged able in Naval Affairs in general. With this Commission Col. Quarry returning home appeared much dissatisfied, as if by it I had invaded the powers granted him by the Admiralty, which I must confess did not a little surprize me, for nothing can appear more unreasonable and absurd to me than that this country being granted once by the King's Letters Patents, both soyle and Government with the royalties of both land and water, and full power of founding cities, corporations etc., with all Courts, Magistrates and officers necessary for their Government (which by the blessing of God through my interest has in a short space been raised to a flourishing condition, and thereby no inconsiderable accession been made to the Dominions of the Crown) my power should be disputed of appointing an officer that most Mayors of Ports in England (if I mistake not) have the priviledge of, and that I who can constitute the Mayor, cannot the officer that may be afterwards appointed by him, according to the practice of our neighbouring Government of New York, nor my warrants nor orders be good astride of the shoar, tho' so absolutely necessary to the administration of justice. For I need but appeal to your honourable Board what the consequence must be if a criminal pursued or a debtor escaping, if he but step off the wharf on board any vessell, should be out of the power of all our Civil Officers, and be able to bid them defiance. Yet, unreasonable as this is, such has been my care not to disoblige the Admiralty here, that even that trivial Commission had scarce been granted, by which there have not yet been four warrants served, had the Judge been at home, or had John Moore, left in his room, seemed inclinable to act. But the peace must be preserved, and therefore I was obliged to do more than otherwise I should, not through any doubt of power, but to prevent clashing and misunderstanding till affairs might be settled pursuant to an agreement between Col. Quarry and myself, that we should represent some such things as might be thought doubtful for both our security, rather than give the least occasion to the Inhabitants of observing any misunderstanding between us. And now I earnestly request that the H. Court of Admiralty would be pleased for our safety and ease to give us their Instructions herein, and take into their consideration the inconveniency that must needs ensue upon the Civil and Maritime powers interfering with one another, which I humbly submit, requesting their notice, and that they would believe that my mentioning these things proceeds not from any design of abridging the just powers of that Court in this Province, on the contrary, I have

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always countenanced it since my arrival, and of this the Judge himself cannot but bear me witness, he has shewd himself honble. to mee in it since I came hither, and I hope no resentments or uneasiness he may entertain from the inhibition of the *Providence* (with which I am no ways concerned more than by your commands) will divert that strain of candour he has in his discourse so largely professed me; yet I cannot but observe that tho' no other in its nature, as I take it, than a writ of error or certiorari in the Common Law, it comes not without some discouragement, and puts him upon his defence, in which I hope he will shew himself so just as not to make parties of professions, nor use names for reflections, for I am sure none in the Province that I can hear of has acted in it since my arrival, till put upon by your Order, nor were the Quakers the only people dissatisfied at their proceedings in that business, those of his own sentiments being equally uneasy at their rigour. But if anything reflecting should unhappily escape any of the officers' pens, I hope you will be pleased to favour me with the knowledge of it, and if it be not clear'd to your satisfaction, then let me fall under the censure, which I should be unwilling to incur at any rate. In fine, to show how far I have been from discouraging any of the Admiralty Officers here, I have made the Advocate of that Court Attorney General, and our Under Sheriff is their Marshal, which cannot be thought to look as if it were designed we should draw two ways. Sometime since I recd. a letter from your Secretary requiring Robt. Bradenham, Kidd's Doctor, to be sent home, wch. I then omitted to answer, having done it by sending him 4 months before by the King's Commands to the Lord Bellomont, with all his treasure, not forgetting his little negro, without deducting one farthing for all our charges of conveying him to N. York, or trouble of finding the money wch. was considerable, for all wch. I have been thought punctual to a fault by some perhaps of whom you have a good opinion. And if I may make bold to add this and say in my own right without ostentation, I have endeavoured to serve the King with the utmost application and integrity (of which I presume the Lords of Trade and Plantations are satisfied) and in all things have preferred his interest before my own, tho' they have greatly suffered by it, and that without the least allowance for it anyway, or even of claiming those royalties wch. your Advocate is of opinion by my grant I am entitled to. The length of this I must say would need an apology, if it were not a letter of business as well as respect, but I have done when I have assured you, as now I do, that I shall on no occasion claim any privileges by being a Proprietary against the zeal and duty that is expected

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from or should recommend any King's Governour when his service is concerned. *Endorsed*, Recd. Read Oct. 15, 1701. *Copy.* 5¼ *closely written pp.* [*C.O.* 5, 1261. *No.* 18.ii.; *and* 5, 1289. *pp.* 278–290.]

Sept. 2. **1163**. Minutes of Council in Assembly of Barbados.

220*l.* paid to Sarah Dwight.

Error brought by Philip Banfield to reverse a judgment obtained against him by Henry Cleaver, son of Major Francis Cleaver, before Thomas Ince, one of H.M. Justices in the parish of St. Phillips, for 24*l.*, 12 months' wages, said to be due from Banfield to Cleaver, for looking after his business as an overseer. Judgment confirmed.

13*l.* costs awarded Sam. Luke for Bill of Error brought by Col. Peter Colleton and George Rice.

Major Robt. Morris took the oaths as new Member of Assembly for the parish of St. Andrews.

Petition of George McKenzie, merchant, praying to be paid for several Scotch servants brought hither for the service of the country, read, and recommended to the Assembly.

Edward Lascelles granted drawback on Madera wine turned sour.

Wages of gunners and matrosses etc. paid.

John Farmer was paid 25*l.* for a negro executed for felony, and Henry Applewhaite the same for a negro executed for running away.

Petition of Capt. James Graham read, setting forth that several negroes belonging to Col. Boteler and Jane Hunt, widow, and Major John Broome, did lately burn a house belonging to him, together with Ann Armstrong and her three children, who lived there, which negroes were since executed. 18*l.* paid to him for the house.

20*l.* paid to Richd. Forstall for a negro lately executed, and 5*l.* to Major Thomas Neale for damages by him sustained.

124*l.* 14*s.* paid to John Steward for several boat-loads of stones and negroes' work for the house in James Fort.

Upon the complaint of Edward Chilton, H.M. Attorney General, that one John Fo(r)ster and Edward Forster had assaulted him on the King's Highway, going to Scotland Court, July 25, John Foster having at that time received his death's wound, and the Attorney General, having received several wounds from the two Forsters, prayed that Edward Forster might be bound over. Ordered accordingly.

The House attended H.E. and desired an answer to an Address presented relating to the disposal of the money raised for the use of the fortifications.

The opinion of the Attorney and Solicitor General was read, that the Pirates were well entitled to H.E.'s certificate that they surrendered before June 24, and the Council desired H.E. to grant them accordingly.

Edmund Bedingfield and Alexander Skene paid for administering oaths to Commanders of ships leaving these Islands.

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Sept. 3. Act to revive the Act to secure peaceable possession of negroes etc. was read three times and passed.

Sept. 4. Supplemental Act to the Act of Militia was read three times, passed and consented to by H.E.

Act to provide a strength of Labourers for the fortifications was read three times, passed and consented to by H.E.

Proclamation ordered for a General Fast and Day of Humiliation to be held on Sept. 26, to implore God Almighty's Mercy for the removing those judgments that are upon us and to avert those that seem to threaten us. [*C.O.* 31, 6. *pp.* 18-24.]

Sept. 4. **1164**. Minutes of Council of Virginia. 63*l.* sterl. paid to Henry Tyler for the land assigned in the City of Williamsburgh for the Residence of the Governor.

Sept. 5. H.E. laid before the Council a letter from Major Peter Field, Sept. 3, concerning two strange Indians taken somewhere upon Swift Creek and brought hither prisoners. Advised, that the whole matter be laid before the Burgesses. [*C.O.* 5, 1409. *p.* 148.]

Sept. 9. **1165**. Minutes of Council of Virginia. The question was put by H.E. whether he may not, if he thinks fit, be present together with the Council when they are debating of Bills to return to the House of Burgesses, and to hear and to debate the matter with them, he having found the practice and custom to be such at his first coming to this Government and continued so till this present time. This being a very nice, intricate question the Council desired time to consider their answer.

H.E. desired the opinion of the Council concerning Christian servants being mustered. The Council were of opinion that they ought not to be mustered.

Sept. 10. Papers relating to the two strange Indians [Sept. 5] ordered to be laid before the House of Burgesses.

Sept. 11. The Hon. Robert Carter made oath to his accounts. [*C.O.* 5, 1409. *pp.* 148, 149.]

Sept. 13. **1166**. Minutes of Council of Virginia. H.E. laid before the Council a letter from Lieut. Edwd. Durley, H.M.S. *Lincoln*, announcing the death of Capt. Edward Nevill, and his Instructions from the Admiralty to take command in such case.

H.E. laid before the Council a letter from Major Samuel Swan, North Carolina, Sept. 9, concerning the claim of Daniel Cox to North Carolina.

Ordered that Wm. Byrd write to William Penn, Proprietor of Pennsilvania, concerning the charges of an Indian he sent from Newcastle, Nov. last, and which he saith [Dec. 31, 1700], he at his own charges cloathed him, that he may send an account what costs and charge he was at, to the end the same may be paid. [*C.O.* 5, 1409. *pp.* 149, 150.]

Sept. 15. **1167**. Minutes of Council of Virginia. Letter and Instructions from Mr. Burchett, June 25, 1701, concerning Capt. Passenger etc. laid before the Board.

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Letter from Capt. Passenger abt. Westmore read. Ordered that it be sent to Major Buckner, and that he go on board and order Westmore forthwith to return his answer to H.E. and the Council.

Petition of Orlando Jones [*see p.* 519] referred to the Burgesses.

3*l.* sterl. paid Charles Evans for charges during the time he was writing for H.M. service at James Town. [*C.O.* 5, 1409. *p.* 150.]

Sept. 17. **1168.** Minutes of Council of Virginia. [*See Journal of House of Burgesses under date. No.* 859.]

Sept. 18. H.E. laid before the Council the Address of the Burgesses to himself, Sept. 16 [*see No.* 893] and asked their advice whether it was a full and sufficient answer to H.M. Letter of Jan. 19. The Council are of opinion that whereas they say in the Address that was obtained by false suggestions and misrepresentation, these expressions are too harsh and severe, which the Council are doubtful they can't prove. Whereas they say their misrepresentations were merely to gain a contribution, the better to enable them to build forts for the security of their Indian Trade, the Council conceives that to be too severe a reflection, there being no ground for the same set forth in H.M. letter of Jan. 19. As to the Forts being no security to this Colony, it would have been much better to have said that Forts on the frontiers of that Government can be of no security to this Colony to keep off the French and their Indians from invading us. It would be well to add to the clause concerning the 900*l.*, "having such large frontiers both by sea and land to be defended by our men at our own charges."

H.E. acquainted the Council that since it was resolved by the House of Burgesses that they could send no money to New York, H.E., considering the fatal consequence might thereupon follow, should the French come to understand that New York could not expect any aid from Virginia either for men or money, he thought himself in duty bound to disposet and lay down 900*l.* sterl. according to H.M. commands; that the Burgesses in their Address have not laid down reasons sufficient for H.E. to dispense with the King's Order of sending a quota of men to N. York, if demanded. Thereupon H.E. desired the opinion of the Council.

Sept. 19. The Council gave their opinion that it will not consist with H.M. interest and the peace and safety of this Colony to send the said quota of men to New York. [*The reasons given correspond to those in the Address, pp.* 540, 541.] H.E. laid his proposals [*see Journal of House of Burgesses*, Sept. 22, *No.* 882] before the Council, who prayed time to consider them.

Sept. 20. The Council gave their opinion that as to H.E.'s proposal, a Law should be passed to enable him to impress all arms and ammunition on emergency. As to the other proposals, the Council thought it more proper for the House of Burgesses to propose the ways and means to buy up arms etc., and for H.E. only to suggest the necessity, as being more agreeable to the custom in Parliament and more likely to take effect. H.E. asked

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whether, if they find no such ways and means, for the service and interest of H.M. and the security of this Colony he shall not then propose the two ways mentioned, 6*d*. per hhd. export duty on tobacco for one year and a tax of 15*lb*. tobacco per poll, because that he thinks himself bound in conscience and duty to God, the King and the Country [so] to do. The Council were of opinion that what they have before said cannot debar H.E. from making these proposals in that case.

Upon the application of Capt. N. Bostock, H.M.S. Advice boat *Eagle*, warrant ordered for him to impress a pilot to carry him up to Maryland.

Capt. James Moody, H.M.S. *Southampton*, was ordered to deliver on board the *Eagle* Robt. Keith, John Sharp, Wm. Tibbs, and John Edwards appointed by the Bishop of London Missionaries for Maryland, and Mr. Hugh Jones and one man servant, Gabriell D'Emilian and his son Charles D'Emilian, with their necessaries and 35 boxes of books.

Ordered that Capt. Passenger deliver up the sloop purchased to attend the *Shoreham* to Capt. Moodie.

Warrant signed for Capt. Moodie to impress "one seaman out of any ship who hath 12 seamen and who shall arrive within the Capes of Virginia" for the full manning of his ship. [*C.O.* 5, 1409. *pp.* 150-161.]

Sept. 22. **1169**. Minutes of Council of Virginia. [*See Journal of House of Burgesses under date. No.* 882.]

Sept. 23. John Harris, of the County of Westmoreland, agreed to transport letters from Maryland to Williamsburgh for 30*s*. sterl. per journey, and for every packet he carried over Potomack River 10*s*.

Sept. 24. H.E. laid before the Council a letter from Capt. Moodie stating that the sloop he had received from Capt. Passenger was almost worn out and unserviceable. He proposed that H.E. should send to Governor Blakiston for the Spy boat *Eagle* to transport the Ministers [Sept. 20] to Maryland. Ordered accordingly.

Sept. 25. H.E. proposed to the Council that as to the matters mentioned in the Address to him by the Burgesses, he could by no means consent to lay down any way to ascertain pay for an Agent to address H.M. in the matter of N. York, and therefore would have them consider that at the same time that they Address H.M. for an Agent they must also address how and by what means he must be paid. The Council were of opinion that H.E. should speak to the Burgesses on the matter, if he wished to say anything, before the Joint Conference was held. As to that part of the Address to H.E. where they say it is not probable men can be sent to New York in such time as to be serviceable to that Province upon an invasion, the Council are of opinion that Clause might better have been omitted.

H.E. proposed what he should say to the House in the matter relating to the Agent. The Council say that they cannot direct H.E. in the subject matter thereof, but that H.E. may ask the House of Burgesses to see the Address to H.M. in the said Address concerning the Agent.

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The House of Burgesses in their Address saying that they had passed a Bill about regulating the Militia, the Council are of opinion that the House having quashed that Bill themselves and made another, H.E. need say nothing of that matter. As to that part of the Address relating to building a house for the Governor, H.E. considering it hath been so often pressed, asks whether it would not be convenient that the paying for land purchased of Mr. Tyler whereon to build the same may not be now laid before the House of Burgesses. The Council are of opinion it ought.

In the last clause for 146*l.* 8*s.* 3*d.* H.E. cannot agree with the House that it is no country charge, but that some way ought to be found out to satisfy it. It is the opinion of the Council that it be inserted to the Book of Claims, as also the 63*l.* paid to Tyler.

Ordered that the sloop *Elizabeth*, purchased by Capt. Passenger 1700, be sold. [*C.O.* 5, 1409. *pp.* 161-165.]

Sept. 23. **1170.** Minutes of Council in Assembly of Barbados. The Assembly not making a House, and there being no other business before the Board, the Council adjourned. [*C.O.* 31, 6. *p.* 24.]

Sept. 29. **1171.** Minutes of Council of Virginia. [*See Journal of House of Burgesses under date. No.* 901.]

Sept. 30. The Council advised that H.E. should signify to the Governor of New York that he hath laid H.M. letter before the House of Burgesses, and as much of the substance of their resolve and their reasons as may be thought proper.

Oct. 1. The Council were of opinion that H.E. had done what was proper, and that it was not for H.M. service to urge the quota etc. any further this time.

It was agreed to prorogue the Assembly till Nov. 12.

Oct. 2. Letter to Lieut.-Governor Nanfan read.

H.E. signed the Commissions of the Colonels and Commanders in Chief. [*C.O.* 5, 1409. *pp.* 165-166.]

Oct. 7. **1172.** Minutes of Council in Assembly of Barbados. Error brought by Col. Eginton put off till next Council Day, two material evidences being sick.

Error brought by John Waterman to reverse a judgment given against him in the Court of Common Pleas of S. Andrews upon an action there brought by Jacob Waterman. Judgment reversed.

Error brought by Edward Pare, Saml. Irish, and Elizabeth, his wife, to reverse a judgment etc. of the Court of Common Pleas of St. Michael's against Saml. Branch (?) executor of Nathaniel Williamson, by the Hon. John Reid, senr., John Reid, junr., and Thomas Duboys, merchant, Attorneys to Nicholas Rice, and also since by Nicholas Rice directed to the Hon. James Colleton, Chief Judge of the said Court. Judgment reversed.

Act for the encouragement of artificers to labour on the fortifications was read three times, passed and consented to by H.E.

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Act to prevent freemen, white servants, negroes and other slaves running from this Island in shallops, boats and other vessels, was read twice and ordered to be returned to the Assembly with some amendments.

Oct. 8. H.E., with the consent of this Court, declared the Hon. George Lillington Chief Baron of H.M. Court of Exchequer and Chief Justice of the Pleas of the Crown in the room of Thomas Sadleir, decd., who took the oaths appointed.

Grant of the King's right made to Saml. Cox for running out of a wharf into the sea to leeward of James Fort.

Act for collecting arrears due to the Publick was read twice. [*C.O.* 31, 6. *pp.* 24-26.]

Oct. 15. **1173**. Minutes of Council of Virginia. Ordered that the several matters to be despatched for England be prepared and that H.M.S. *Lincoln* sail Oct. 21, and H.M.S. *Shoreham* Nov. 4. The Colonels of Militia to return lists of the Militia by Oct. 29. [*C.O.* 5, 1409. *pp.* 166-171.]

Oct. 17. **1174**. Minutes of Council of Virginia. Resolves of the Burgesses about the Agent considered. Ordered that the Clerk of the House of Burgesses prepare copies of proceedings to be transmitted. George Luke, Collector of the Lower District of James River, made oath to his account.

Oct. 18. Capt. Durley, H.M.S. *Lincoln*, being in want of provisions and having been stayed for H.M. service, ordered that Capt. Moodie supply him. [*C.O.* 5, 1409. *pp.* 171, 173.]

Oct. 21. **1175**. Minutes of Council in Assembly of Barbados. Writ issued for a new Member of Assembly for the parish of St. Thomas in the room of the Hon. Thomas Sadleir, decd. [*C.O.* 31, 6. *p.* 26.]

Oct. 23. **1176**. Minutes of Council of Virginia. Upon reading an Address of Council and Assembly to lay open the lands on the South side of Blackwater Swamp and in Pomonkey Neck, to the end they may be seated and H.M. Revenue of quit-rents improved, H.E. acquainted the Council that he was very willing to comply, but that it seemed to him the same at this time would be very prejudicial to the Act for seating the frontiers, and consequently a prejudice to H.M. interest, which consists as well in securing and providing for the defence of this Colony by strengthening the frontiers as in his quit-rents, and therefore proposes for a further encouragement in seating the frontiers, that who so seats there pursuant to the said Act shall have the preference in taking up land in Pomunkey Neck or on the South side of Blackwater Swamp, without which H.E. conceives it will be prejudicial to H.M. interest and cannot consent, because the Act for seating the frontiers providing for the quit-rents, if these be laid open, none will go to seat the frontiers. The Council agreed. Officers appointed to oversee the frontiers and to find out lands fit for

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such cohabitations, and to endeavour as near as may be to make the several situations in a direct line. Publication to be made that the lands in Pomunkey Neck and on Blackwater Swamp will not be laid open under any other conditions.

H.M.S. *Shoreham* ordered to wait till Nov. 14th, the Clerks being unable to transcribe the Journals etc. ordered in time.

Letter from Capt. Moodie read, stating that he had fitted up the sloop *Elizabeth* which was worth little, and proposing to build another, which was necessary. He prayed for credit for a supply of provisions, for care to be taken of his sick men, for orders to careen his ship and credit for stores for that use, for orders to ride in some more convenient place than Kiquotan, and to impress men upon occasion. The Council were of opinion that the sloop would suffice for this winter, and as to building a new one, they had no particular instructions from H.M. As to the supply of provisions H.E. informed Capt. Moodie that he had formerly given credit to Capt. Aldrid, H.M.S. *Essex* prize upon the like occasion for 140*l*., and that the last account he had from Mr. Micajah Perry, his correspondent, they were not paid, which being considered H.E. could not tell how he should be supplied, but such was his duty to H.M. that rather than H.M. interest should suffer any prejudice himself would give credit. As to the sick men, the same thing applied, and several other people had credited them upon several occasions heretofore and could not be repaid. H.E. desired him to represent the same to the Admiralty, etc. As to careening his ship, he is to cause the same to be done when and where he thinks fit, as also to choose his place for riding at anchor. Warrant to impress seamen ordered to be sent down to him, and the order for selling the sloop to be cancelled. H.E. laid before the Council the several inconveniences attending this Country in case of an invasion by sea, how defenceless, naked and unarmed it was, and whether it might not be proper to represent the case to H.M.

H.E. laid before the Council a Speech from Governor Penn to the Assembly at Philadelphia concerning a Peace made by the Governor of N. York with the Five Nations, and asked whether they thought it of such consequence that it might be proper to write to those Governors, to know how and by what authority they had done that and what is the sum and substance of that Peace which is said is made for H.M. subjects on the whole Continent. It is the opinion of the Council that the same not coming hither by any public way, they are not to have any regard to it other than a loose paper.

Oct. 24. Proclamation signed proroguing the Assembly till Dec. 10. Ordered that the Committee for revising the Laws take care to get the same perfected with all possible expedition and to be sure to have regard to the instructions of the Lords Justices etc., and that all Laws they make be agreeable thereto.

Ordered that the County Courts obtain accounts of the sloops etc. possessed by the inhabitants and make a return of the same to the Council Office, in case there be any occasion to use them for the defence of the Country.

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The Council agreed to H.E.'s proposals for instructing the Agent as to care to be taken with regard to delivery and publication of contents of the Address concerning the quota.

Henry Scarburgh took the oaths appointed as Collector of the Eastern Shore District.

Several warrants for payment of official salaries signed.

Upon representation made that the French Protestants at the Mannikin Town and parts adjacent want some to rule and govern them in all causes and upon all occasions, ordered that Mr. Chatin and Abraham Nicod be commissionated to govern them according to such rules, orders and methods as H.E. shall think fit, consonant and agreeable to the Laws of England and this Colony. [*C.O.* 5, 1409. *pp.* 173-183.]

Oct. 28. **1177**. Minutes of Council in Assembly of Barbados. Error brought by Lieut.-Col. John Eginton to reverse a judgment given against him by Henry Applewhaite and John Summers, two of H.M. Justices of the Peace, upon complaint by Col. Abell Alleyne, formerly Guardian of the estate of William Chester, decd., alleging a forceable entry by him. Judgment confirmed.

H.E. communicated to the Board a letter from the Council of Trade and Plantations, July 3, and a petition of Alexander Skene etc. [No. 305.i.] to H.M. in Council. His allegations being very false, this Board desired H.E. would give them leave to answer them, which he granted. [*C.O.* 31, 6. *pp.* 26, 27.]

Oct. 31. **1178**. Minutes of Council in Assembly of Barbados. H.E. communicated to this Board H.M. letter of licence to repair for England to settle his private affairs, as soon as he shall think it convenient.

The Council brought in their answer to Mr. Skene's petition and memorials. [*Entered.*] Upon the humble motion of George Lillington, Chief Judge of the Pleas of the Crown and Chief Baron of H.M. Court of Exchequer, setting forth that by the former settlement of the said Court there were only appointed a Chief Justice and Baron and three other Barons, and that any two of them should be a Court to sit and hear causes cognizable in the said Court, by which means there being two quorums, and if [in] any cause the Court should be equally divided in their opinions, there could be no decision thereof, that no delays therefore may be in any matter, ordered that the Court be held in future by a Chief Justice and Baron and four other Barons, any three of whom shall be a quorum. [*C.O.* 31, 6. *pp.* 27-40.]

Nov. 4. **1179**. Minutes of Council in Assembly of Barbados. Answer to Mr. Skene's Memorial read and signed, and ordered to be sent to the rest of the Members to be signed. [*Entered.*]

Ordered that twelve ships appearing off this Island do alarm the whole Island, and seven ships alarm all the Forts and Towns, and it is ordered that H.M. Attorney and Solicitor General draw up a Proclamation to that purpose that the same may be read in the several Churches. [*Entered.*] [*C.O.* 31, 6. *pp.* 40-48.]

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Nov. 6. **1180.** Minutes of Council in Assembly of Barbados. Letter to Admiral Benbow signed, desiring one of H.M. ships might be left here to guard the Island, H.M.S. *Ludlow* being speedily bound home for England and the relief ship being not yet arrived.

100*l.* paid to Lieut.-Col. George Peers and Wm. Heysham for the buying of fresh provisions for Vice-Admiral Benbow.

22*l.* sterl. paid to Col. Thomas Maycock for payment of a flag and pendant for the use of Orange Fort. Wages of the watch at the Magazine paid.

191*l.* 0*s.* 2½*d.* paid to George Peers for so much disburst by him for the use of the fortifications in St. Michael's division.

19*l.* 14*s.* 4*d.* paid to John Dickinson for entertaining the Commissioners of the Leeward Fortifications.

Alexander Lamply paid 50*l.* 17*s.* 6*d.* for 203½ft. of timber for the Leeward Fortifications, and Jno. Parkinson 18*l.* 3*s.* 1½*d.* for 83ft.

53*l.* 7*s.* 9*d.* paid to Sarah Dwight for entertaining the Committee of Public Accounts.

Paul Carrington and Saml. Finnis, junr., executors of Saml. Mansill, paid 23*l.* 18*s.* 9*d.* for entertaining of the Assessors for the Town of St. Michael's. Wages of the garrisons paid.

James Marshart, Clerk of the Committee of Publick Accounts, paid 47*l.* 10*s.* for attendance.

188*l.* 16*s.* 10½*d.* paid to Willm. Heysham and Compy. for maintenance of servants etc., 363*l.* 14*s.* 6*d.* to Nicholas Baker and 305*l.* 12*s.* 6*d.* to William Roberts and Company for the same.

68*l.* 10*s.* 5*d.* paid to William Heysham for interest at 11 per cent. on money advanced by him for the owners of several servants.

Ordered that Charles Thomas, Receiver General of H.M. Casual Revenues, pay Richard Bowles, Escheator General, certain small sums expended by him, and also Thomas Brewster a sum due to him for expenses when Escheator General.

Petition of Hester Justice, widow of Love Justice and of Thomas Wilbraham, for salary due to the latter as Clerk to the Committee of Accounts for four years and one month, referred to the Committee of Accounts.

Account of Simon Cooper, decd., employed by the Country to keep the Fortifications in repair, referred, on the petition of Robt. Arthur, his executor, to the Commissioners of the Fortifications. [*C.O.* 31, 6. *pp.* 48-53.]

Nov. 9. St. John's. **1181.** Capt. Powell [? to the Council of Trade and Plantations]. Enclosing the following petition. *Signed*, Joh. Powell. *Endorsed*, Recd. Read March 12, 170½. ½ *p. Enclosed*,

1181. i. Petition of all the Serjeants, Corporals, Drummers and private soldiers in his Company to Capt. John Powell. Whereas there is an Order for the stopping out of your Petitioners' subsistance so much a day for the maintenance of a Parson (who has above 300*l.* a year given him by the ships and Planters) to the prejudice and disincuragement of your Petitioners, everything being

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so dear in the Harbour that it will be impossible for them to subsist this long cold winter if you do not stand our friend and write to England that your petitioners may not only be eased of it for the future, but that which is already stopt may be returned. In former Regiments Petitioner never had any such thing stopt. We have heard the men that are deserted to Placentia complain of this thing as their greatest hardship. *Signed* by the Serjeants, Corporals and private soldiers of Capt. Powel's Company. $1\frac{3}{4}$ *pp.* [*C.O.* 194, 2. *Nos.* 54, 54.i.]

Nov. 11. **1182**. Minutes of Council of Virginia. H.E. laid before the Council a letter from the Council of Trade and Plantations, July 22, 1701.

Col. Gawin Corbin took the oaths appointed and signed bonds as Naval Officer and Collector of Rappahanock River instead of Corbin Griffin, decd. He was ordered to take into his custody the papers relating to that office now in the custody of Griffin's executors, and make up his accounts.

Committee appointed to consider the Commission of Messrs. Chatin and Nicod to govern Manakin Town, now called King William Town. [*See* Oct. 24.]

Lieut.-Col. Miles Cary made oath to his accounts.

Wm. Davie, Master of the *James City* sloop, made oath that, when sailing from Virginia to New Providence, Sept. 5, he was robbed by a pirate. *And see No.* 1042 *viii, ix.*

H.E. laid before the Board a letter from Lieut.-Governor Nanfan, Oct. 24, 1701. The Lists of Militia etc. and accounts not yet being ready, and it being thought absolutely necessary for H.M. service that the same should be transmitted to England, ordered that H.M.S. *Shoreham* do not sail till the 21st, and then to take under convoy all ships ready to sail.

H.E. acquainted the Council that himself had been at the general musters of several Counties, and observed that not one quarter of them were fit and provided with arms and ammunition to attack an enemy, which he thought it his duty to represent to H.M.

Dionisius Wright, Clerk of the Council, moving again to be discharged from his office, H.E. asked the Council if, according to his former proposals, they could propose any one to undertake that place, to which they answered they could not tell of any at present. Ordered, that he draw a list of all the Council Books and Papers that he hath belonging to the Council Office and make oath that he hath not embezelled nor waisted any of them. [*C.O.* 5, 1409. *pp.* 183-190.]

Nov. 11. **1183**. Minutes of Council in Assembly of Barbados. Admiral Benbow appointed H.M.S. *Ruby*, Col. Richd. Kirkby, Commander, to attend this Island till the ship ordered hither shall arrive.

120*l.* sterl. paid to Lieut.-Col. George Peers for one year's salary of himself and an officer by him employed in gaging of vessels.

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7*l.* sterl. paid to Hugh Agnew, merchant, for work done at the Fortifications.

Latimore Richards, Millwright, paid 50*l.* on account of work done at James Fort, his account being referred to the Commissioners of Fortifications.

150*l.* paid to Guy Ball on account of work done in James Fort, he to pay Richards as above, and also Martin and Hopkins for their work.

H.E. being suddenly designed to depart the Island, it is the humble desire of the Council the same respects may be paid to him at his embarquing as hath been paid to any former Governor, and that the Royal Regiment of Foot Guards and one of the Regiments of Horse, be drawn into arms at the Town of St. Michaels on that occasion, and that there may be three rounds of guns from every Fort and Battery. H.E. returned his thanks for this and other their former civilities, but considering the badness of the ways, and for the ease of the People, he is unwilling to have a Regiment of Horse to attend him, nor no more of the Royal Regiment of Foot, but the six Town Companies.

Charles Middleton took the oaths as Member in the Assembly for the parish of St. Thomas.

The Assembly attending delivered the following Acts to H.E. :— An Act for laying an Imposition on Strong Liquors ; an Act to prevent persons from going off this Island ; an Act for the encouragement of white servants ; an Act to encourage the Inhabitants of this Island to become owners of vessels.

50*l.* paid to Edmund Bedingfield, for his services to the Country, according to an Address of Assembly. [*C.O.* 31, 6. *pp.* 53, 54.]

Nov. 17. **1184**. Minutes of Council in Assembly of Barbados. Bill for laying an imposition on strong liquors read three times and passed, the Hon. Wm. Sharpe, Pat. Mein, and Samuel Cox dissenting, by reason they are of opinion that some parts of it are repugnant to the Acts of Trade and Navigation. The other Members were of opinion that the Acts of Excise having been sent to the Council of Trade for many years past and never disapproved by them, and no inconveniency or repugnancy for the Acts of Trade and Navigation yet appearing, this Act ought to pass, and protest that if they thought it any waies derogatory or repugnant to the Acts of Trade and Navigation (whereof they will be allwaies most tender) they would not consent thereunto.

Bill to prevent servants and slaves running from this Island in shallops etc. was read the third time with amendments and passed, and consented to by H.E.

A bill to encourage white servants and to ascertain their allowance of provisions and clothes was read three times, passed, and consented to by H.E.

25*l.* paid to Will. Woodhouse, Marshal to the Assembly.

Edmund Bedingfield resigned his employment of Clerk and Register to the Court of Chancery, he being suddenly bound off. Thomas Harison was appointed and sworn in his place.

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The Assembly attending presented to H.E. an Act for the payment of 2,000*l.* sterl. to H.E. Ralph, Lord Grey, Baron of Warke, which was read three times, passed, and received H.E.'s consent.

An Act for collecting public arrears was read a third time and passed and consented to by H.E.

Mr. Bedingfield resigning his office of Deputy Secretary and Clerk of the Council, Mr. Skene, the Patentee, was given leave to depute Tho. Edwards to officiate at this Board for him to-morrow, he having some urgent business.

Nov. 18. Bill to ratify Letters Patents, gifts, grants, bargains, sales, conveyances and all other instruments of writing relating to the titles of lands, tenements and slaves and other hereditaments within this Island, was read three times, passed, and consented to by H.E.

The Council desired H.E. would leave H.M. Instructions to him with them, for their better administration of the Government in his absence. H.E. replied that he would leave an authentick copy.

Bill to encourage the Inhabitants to become owners of vessels was read a third time, passed, and consented to by H.E.

Lieut.-Col. George Peers took the oaths appointed as Keeper of the Stores of the Magazeen.

Bill to encourage privateers in case of war was read three times, passed, and consented to by H.E.

50*l.* paid to Col. Tho. Maycock, Executor of the Hon. Robert Harrison, for two of his negroes who were executed.

Act to revive and continue an Act to secure the peaceable possession of negroes etc., was read three times, passed, and consented to by H.E.

Ordered that the Excise Act passed yesterday be published by beat of drum in the usual manner in the Bridge Town to-morrow, and by Saturday next at farthest in the other three Towns in this Island in the same manner.

Petition and Address of the Council and Assembly to the King read.

86*l.* 18*s.* 3¾*d.* paid to Wm. Roberts and Co., for money advanced for servants imported.

Nov. 19. 166*l.* 13*s.* 4*d.* paid to H.E. for rent for his house.

The Pink *Ermin*, John Dorsett, Master, belonging to the subjects of His Most Xtian Majesty being lately brought into this Island, by Col. Richd. Kirby, H.M.S. *Ruby*, under the command of Admiral Benbow, to prevent intelligence, Commdr. Kirby and the Master of the French sloop coming before this Board, the latter was asked by H.E. and this Board whether he had received any damage from Col. Kirby or any of his people, who answered that he had received nothing but very civil usage and treatment from Kirby, but that he missed part of a hhd. of dry goods, wch. his people charged the English seamen withal, but the English seamen do deny that they medled with it, but charge the same upon the French Carpenter. It was ordered by this Board that if they have any depositions to offer about that matter they should be taken, but the Commander of the

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French ship said that if he had lost anything it was so trivial as not [to] be worth his staying to have it enquired into, and desired he might be admitted to prosecute his intended voyage, which was granted and ordered accordingly. [*And see No.* 1009.] [*C.O.* 31, 6. *pp.* 54-64.]

Nov. 20. **1185**. Minutes of Council in Assembly of Barbados. H.E. designing immediately to go off this Island did deliver up to this Board the Seal of this Island, and a Copy of H.M. Instructions and a Commission for trying pirates, and then H.E. embarqued himself in order to his departure for England. The President and the rest of the Council, the Secretary, Mr. Skene and his Deputy Mr. Edwards then took the oaths appointed. Proclamation ordered continuing all Ministers of Justices and officers, military and civil, in their respective employments.

Ordered that the President of the Council do sign the copies of the Acts lately passed by H.E., in order to their being published in the Parish Churches.

Writs ordered to be prepared for holding a General Sessions on Dec. 9. [*C.O.* 31, 6. *pp.* 64-79.]

Nov. 25. **1186**. Minutes of Council in Assembly of Barbados. Letters from the Council of Trade and Plantations to Governor Lord Grey, July 31, 1701 [*see No.* 682], and Aug. 20 [*see No.* 767], were received and read. As to the first, this Board will take care to observe their Lordships' order, the latter is already provided for by an Act of this Island, Oct. 1692.

The Hon. Richard Downes was sworn Treasurer and Charles Thomas Comptroller.

Nov. 26. Ordered that all Masters of vessels arriving at this Island, by reason of the distance the President lives from this Town, do forthwith attend the eldest of the Members of the Council then in town, and in case there should not be any Member in Town, then the Master may pay his duty to any Member of this Board who shall live nearest to this town, which shall be sufficient to excuse his attendance on the President. Letters directed to the Lord Grey for H.M. service to be immediately delivered by the person who brings them to the Hon. Col. Richd. Scott, a Member of this Board, one of H.E.'s Attorneys, and that he forthwith give notice thereof to the President, who is desired by this Board to call a Council with all convenient speed in order to the opening the same.

James Hannay was sworn Provost Marshall.

The Hon. James Colleton was appointed Chief Judge and Chairman of the Grand Sessions.

Ordered that henceforth all petitions be heard and determined by the ordinary Courts of Justice and the ordinary Courts of Law, and this Board will hear petitions of grievance at their respective meetings till further orders.

Ordered that the President and five Members of this Board do hold Courts of Error, Chancery, or be a Council to determine all matters that lie before this Board, and in case of any

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extraordinary occasion of the President's absence any six or more Members have the like power, and the eldest Councillor present to preside.

The Council desired and empowered the President to sign all orders and petitions relating to the Court of Chancery causes to a hearing, to the end there may be no failure of justice.

Ordered that the President grant letters of administration etc. and take the probates of deeds etc. and sign despatches for vessels and tickets for persons going off.

Ordered that letters be sent to the absent Members to meet on Wednesday next in order to be qualified to sit at this Board. [*C.O.* 31, 6. *pp.* 79-88.]

Dec. 2. **1187**. *p.* 640. Four lines from bottom. *Add*, Journal of Council and Assembly of Virginia, 1693, 1695, *referred to in No.* 1041.vi. [*C.O.* 5, 1409. *pp.* 291-304.]

Dec. 3. **1188**. Minutes of Council of Barbados. Col. Tobias Frere and Michael Terrill took the oaths as Councillors. [*C.O.* 31, 6. *p.* 88.]

Dec. 8. **1189**. Minutes of Council of Barbados. 10 barrels of powder ordered for the use of Oistin's Fort.

There being found some inconveniences in the order of Nov. 26 concerning the delivery of Lord Grey's letters, ordered that they be forthwith sent to the President by the person that shall bring them, the same not to be opened till a Council be convened. Lord Grey's letters not for H.M. service to be delivered to one of his Attorneys.

William Rawlin was appointed Solicitor General and took the oaths.

James Colleton, Chief Judge of the Court of Common Pleas, for the precincts of St. Michael, was sworn in the Commission of the Peace, and took the oaths appointed as Chief Judge of the next Court of Oyer and Terminer.

Ordered that the Council sit every Tuesday till further orders. [*C.O.* 31, 6. *pp.* 88-91.]

Dec. 16. **1190**. Minutes of Council of Barbados. Ordered that Commissions be drawn out for the officers of the Militia.

John Sharp was sworn as a Searcher of the Customs in the Bridge Town. Book ordered to be kept for entering the names and offices of all persons sworn before this Board.

Proclamation ordered warning the inhabitants of the Town to remove their powder out of their houses, pursuant to an Act of the Island.

There being just suspicion that some negroes are conspiring and plotting mutiny and rebellion, ordered that a Commission issue forthwith to the Colonels and other Field Officers for examination and trial of all guilty and suspected persons according to Law in such cases. Proclamation ordered requiring all Masters, Mistresses and Overseers of houses and families and all constables

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and others to prevent the assembling of negroes and to make search for strange negroes that shall come within plantations or houses, or wandering abroad, or that shall have arms, clubs or other unlawful weapons or instruments in their houses or contrary to an Act of this Island, Aug. 1688, and that the aforesaid persons be charged to do their respective duties appointed by the said Act under the penalties therein expressed, and that all persons do ride armed pursuant to the Act of Oct. 1692, and also that no person presume to sell rum or other strong liquors to negroes according to an Act of the same date.

Ordered that the Justices of the Peace in the Bridge Town do on Thursday next make a private session and call before them all the constables of the Town, and then give them in charge faithfully to do their respective duties.

Ordered that a Presentation for the Parish of St. Joseph be drawn for Samuel Fulwood.

The Assembly was summoned to meet on Tuesday next.

Writ for the election of a Member for the parish of Christchurch in the room of Capt. Richd. Ryecroft, decd., ordered to issue. [*C.O.* 31, 6. *pp.* 91-94.]

Dec. 28. **1191**. Minutes of Council in Assembly of Barbados. 69*l.* 15*s.* paid to Samuel Irish for disbursements for the fortifications of St. James and St. Thomas. Ordered that the Commissioners for the Fortifications do forthwith proceed upon putting Needham's Fort in very good repair and upon enlarging the southward line as was agreed to by them at their meeting the President and Council at the said Fort on Dec. 8.

The Assembly attending, the President and Council recommended to them that they prepare a Bill to empower the Constables to levy upon any person who shall omit sending to the watch as they ought to do, that the Town may be the better secured from any Insurrection; that some convenient places be prepared for securing powder in the country, it being dangerous that so great a quantity lie in the magazine so near the Town; that a small nimble vessel be kept in constant pay for the service of this Island; that a Bill be prepared to revive an Act to prevent trading with negroes, and for negroes working out and paying their masters so much a day; that some care be taken to provide for the poor people in the several parishes in this Island, who are reduced to great necessity by reason of the extreme dry weather. The Assembly withdrew.

This Board being informed that some houses in this Town have lately been set on fire, and that it's generally believed and appears by depositions already taken and by some of their own confessions that the same has been wilfully done by negroes, and other conspirators, ordered that if any fire should happen in this Town that a signal be made from James' Fort by firing two guns, which Col. Kirkby, H.M.S. *Ruby*, is desired to observe, and give orders to his own men and likewise to all the other ships in this road to send ashore as many men as they can spare, well armed, who are required to pay all due obedience to such orders

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as Col. Kirkby shall give to them, in order to put out the fire and prevent any insurrection of negroes.

The Assembly attending presented a Bill to revive and continue an Act to prohibit the inhabitants of this Island from employing their negroes and other slaves in buying and selling, which was read three times and passed.

Ordered that Col. Leslie forthwith issue out orders to the several Captains in his Regiment to send out a patrol or patrols every night within their several divisions, as he shall see occasion, and to take particular care that one patrol be every night in the Bridge Town till further orders. Ordered that Lieut.-Col. George Peers likewise give orders to the several Captains under his command to send out six files of men every night as a constant guard to this Town till further orders.

It appearing that in the parishes of St. Phillip and St. Lucy there are several very poor people that are reduced to that extremity of want occasioned through the extraordinary drought, and not being able to subsist without some speedy relief, ordered that a brief be prepared for raising some money for their subsistance. [*C.O.* 31, 6. *pp.* 94-98.]

Dec. 30. **1192.** Minutes of Council of Barbados. This day was read a letter from M. De Guitande, Governor of Martinico, Dec. 29, 1701 :—" I address myself to you for justice for the wrong done by the English ship commanded by Capt. Karpy (*Kirkby*) to one of our merchant ships, the *Hermine de Nantes*. I was much surprised to learn on the arrival of the Master of the latter, Capt. Jean Dosset, that having met with Admiral Bembow, he had stopped him and put an English crew on board, who seized and robbed much of his cargo, having kept him till the 1st of this month. This violence done to this French Captain, his detention and the robbery committed on his ship can only be regarded as an act of hostility and a breach of the Treaty of Peace of Ryswick on the part of Admiral Benbow and Capt. Karpy, and it is the more surprising since I have no news from France of war in Europe between the French and English, which makes me beg you to repair the wrong done, both by the robbing of his ship, which amounts to 2,500*l*., and the delay which amounts to 100 pistoles. I await instructions from France, but if your ships of war continue these acts of violence, I shall not hesitate to make reprisals. *Signed*, Le Commandant de Guitande.

Mr. Horrey, who brought the above letter, was asked if he had anything further to say. He replied, only to desire an answer to the letter. The President and Board declared to him that they knew nothing to the contrary but that the Peace continued, and that therefore if any of H.M. subjects had done any damage or prejudice to His Most Christian Majesty, the Laws were open etc. (*as in following letter*); and that if it be desired, the depositions of any persons here should be taken on the part of the person pretending to be injured. He said he desired none.

The following answer was then written; President of the Council of Barbados to the Governor of Martinique. I am con-

1701.

cerned to find that the great care taken by my Lord Grey in the matter of the *Hermin of Nantes* is not satisfactory to you and the persons concerned, when his Lordship so readily dismissed the pinck the instant that the matter came before him. *Repeats substance of Minute of Council, Nov.* 19, *above.* I understand that the French Carpenter is now under confinement, for the theft, at Martinique. What reasons Admiral Benbow and Capt. Kirby had for stopping the pinck, I am not to account for. I know not but that the peace continues, and therefore if any of my Master's subjects here have done any injury to any of the subjects of His Most Christian Majesty the Laws here are open and free to be extended in favour of any of your Master's subjects injured, who shall have all the justice and despatch done them that can be reasonably expected. *Signed*, John Farmer.

Before the aforegoing letter was concluded on, H.M. Attorney General was asked what had been the Law, usage or practice in England in cases of this nature, and how and by whom satisfaction was made. He gave as his opinion that if the damage so done was in a general manner and such as that it could not be known certainly who did it, then the publique should repair it, but if it could certainly be knowne who did it, then that person was liable to make reparation, and was subject to be forced by Law to do the same.

Ordered that an account of the matter be sent to the Council of Trade and Plantations per the next ship. [*See Cal.* A. & W.I. Jan. 6, 1702.]

Lieut.-Col. George Peers acquainting this Board that it would be a great hardship upon the Town people to send to the Watch and do duty in his several companies, ordered that they be excused sending to the Watch so long as the Town Companies are continued as a Guard to the Town. Ordered that the Regiment under Col. Tobias Frere go next upon duty as a guard to the Town.

Twelve fuzees ordered for the use of Needham's Fort. [*C.O.* 31, 6. *pp.* 99-112.]

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